

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION

Plaintiffs :

v. :

GOVERNOR MARK SCHWEIKER, et al., :

Defendants : NO. 02-2949

EXHIBITS TO DEFENDANTS' ANSWER TO PLAINTIFF PAVLICHKO'S
MOTION FOR PRELIMINARY INJUNCTION

RECEIVED
MICHALE LIPSA VLICHKO, JR.
02 APR -3 AM 03 Pgh
COMMISIOER Stillwater Pennsylvania, 17878
(570) 925-2717

Macon
Please prepare a
response.
Mark (2)
Jew
H/3

Mr. Jeffery Beard, Secretary
Pa. Department of Corrections
P.O. Box 598, 2520 Lisburn Rd.
Camp Hill, PA 17001-0598

Dear Secretary Beard:

I type you this letter concerning a matter, which is causing my family and I great hardship, in which I ask your assistance.

My family and I am life long residence of Columbia County. My son, James Pavlichko DK-0199, is currently under the jurisdiction of the Pennsylvania Department of Corrections and is currently incarcerated at the State Correctional Institution at Graterford, Montgomery County.

As my is a state prisoner under the jurisdiction of the state Department of Corrections, it is Secretary of Corrections who designates the institution in which my son will serve his sentence, and who has authority to transfer him to any other institution. Neither the court, nor my son's attorney can have my son transferred, only Secretary Beard.

My wife and I are elderly and in poor health, as a result, it is causing my family and I great hardship having my son so far away from our home region. Traveling such great distance to visit my son is very detrimental to my health.

I have been informed that that with your intervention, my son can obtain a transfer to a State Correctional Institution closer to home, such as, SCI-Dallas, SCI-Retreat, or SCI-Waymart. It is my understanding that a request to the Secretary of Corrections explaining the hardship and circumstances, a transfer of my son may be seriously considered.

My son has attempted through SCI-Graterford staff to obtain such a transfer to an institution closer to home, to no avail.

Exhibit A

Any assistance and relief you may be able to provide my family and I in this matter would be greatly appreciated.

I thank you in advance for your time and consideration in this matter of great hardship.

With every best wish, I remain,

Sincerely yours,

Michael Pavlichko Jr
MICHAEL PAVLICHKO, JR.

DATE: 4-2-02

ENCLOSURE: (1) Physicians Note

A-2



Temple University
Health System

Temple Physicians

Hass Shafia, M.D., F.A.C.C.

1364 E. Hunting Park Avenue
Philadelphia, PA 19124

Tel (215) 289-3390
Fax (215) 289-7072

Episcopal Hospital
Medical Arts Building, Suite 305
100 E. Lehigh Avenue
Philadelphia, PA 19125

Tel (215) 427-3763
Fax (215) 427-7358

To Whom It May Concern:

This letter is to certify that Mr. Michael Pavlichko is under my care for hypertension, coronary heart disease with bypass surgery as well as advanced peripheral vascular disease.

He is quite limited in his physical activities and driving. Any form of assistance to help him to decrease his activities and driving time would be of great help to him.

He has a great deal of problem in driving a long distance to visit his son who is incarcerated. Relocation of his son to a closer facility should significantly decrease the burden of driving and its adverse physical consequences.

With best regards,

A cursive handwritten signature in black ink.

Hass Shafia, MD

A-3



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE
SECRETARY OF CORRECTIONS

April 4, 2002

Michael Pavlichko, Jr.
565 Paperdale Road
Stillwater, PA 17878

Dear Mr. Pavlichko:

This is in response to your letter received in my office on April 3, 2002, in which you requested, due to the poor health of both you and your wife, that your son, James Pavlichko DK0199, be transferred from SCI-Graterford and closer to home so that you and your wife can visit him.

Inmate transfers are initiated at the institution level and are determined by the following criteria: custody level, security requirements, programming, and individual assessment. I recommend that your son again discuss the possibility of a transfer with his unit management team.

A copy of your letter and attachment will be forwarded to Supt. Donald Vaughn at SCI-Graterford for review and response.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Beard".
Jeffrey A. Beard, Ph. D.
Secretary of Corrections

JAB:SMB

cc: Superintendent Vaughn (w/attachment)
Central Files
File

Exhibit B

J A M E S S. P A V L I C H K O, SR.

SCI-Graterford, #DK-0199
D-A-1033
Box 244, Route 29
Graterford, Pennsylvania 19426

August 11, 2002

Mr. Anthony Kovolchik
Unit Manager
SCI-Graterford
Box 246, Route 29
Graterford, PA 19426

[ATTACHMENTS: (5)]

and

Mr. Larry LaRose
Counselor
SCI-Graterford
Box 246, Route 29
Graterford, PA 19426

RE: INSTITUTIONAL TRANSFER

Dear Mr. Kovolchik & Mr. LaRose:

I type you this letter regarding consideration for a transfer out of SCI-Graterford, to say, SCI-Coal Twp.

As evidenced by the attached letter from Secretary Jeffrey A. Beard, the Secretary recommended that I discuss the possibility of such a transfer with my Unit Management team, which I am doing at this time pursuant to the Secretary's instructions.

Attached also you will find a copy of a letter in this regard from my father's Physician, as well as State Representative John R. Gordner, and State Senator Edward W. Helfrick, and U.S. Congressman, Paul E. Kanjorski.

I kindly ask that I be considered and processed, via, Vote Sheet, and Transfer Petition to Central Office, for a transfer to an institution closer to my home region, such as SCI-Coal Twp. I understand I probably do not qualify for SCI-Mahanoy or SCI-Retreat, that's why I ask for a transfer to SCI-Coal Twp., which is an institution more suitable for me, under my circumstances, and programming needs, and in light of my sentence.

Should I not qualify for a "hardship" transfer, I ask that I be considered for an "Administrative Transfer" be a separation from staff member, in light of the recent problem I am having with staff here on my Housing Unit.

I thank you's in advance for your time and consideration in this matter. If it would be more appropriate that my family or I seek such from Central Office, please advise me, and I will inform them as well as Representative GORDNER, and Senator HELFRICK.

I await your response and decision so I know how I must proceed in this matter. Any assistance in this endeavor would be deeply appreciated by both my family and myself.

Exhibit C

Mr. Anthony Kovalchik, and
Mr. Larry LaRose
August 11, 2002
Page Two

Sincerely,

James S. Pavlichko, Jr.
JAMES S. PAVLICHKO, SR.
DOC I.D.#: DK-0199

JSP/

cc: Secretary Jeffrey A. Beard
Honorable John R. Gordner, State Representative
Honorable Edward W. Helfrick, State Senator
Honorable Paul E. Kanjorski, U.S. Congressman
Michael Pavlichko, Jr.
File

C-2



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE
SECRETARY OF CORRECTIONS

April 4, 2002

Michael Pavlichko, Jr.
565 Paperdale Road
Stillwater, PA 17878

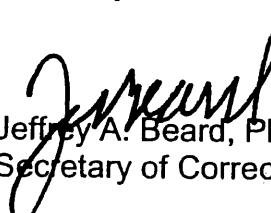
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A copy of your letter and attachment will be forwarded to Supt. Donald Vaughn at SCI-Graterford for review and response.

Sincerely,


Jeffrey A. Beard, Ph. D.
Secretary of Corrections

JAB:SMB

cc: Superintendent Vaughn (w/attachment)
Central Files
File

C-3



**Temple University
Health System**

Temple Physicians

Hass Shafia, M.D., F.A.C.C.

1364 E. Hunting Park Avenue
Philadelphia, PA 19124

Tel (215) 289-3390
Fax (215) 289-7072

Episcopal Hospital
Medical Arts Building, Suite 305
100 E. Lehigh Avenue
Philadelphia, PA 19125

Tel (215) 427-3763
Fax (215) 427-7358

To Whom It May Concern:

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He is quite limited in his physical activities and driving. Any form of assistance to help him to decrease his activities and driving time would be of great help to him.

He has a great deal of problem in driving a long distance to visit his son who is incarcerated. Relocation of his son to a closer facility should significantly decrease the burden of driving and its adverse physical consequences.

With best regards,

A handwritten signature in black ink, appearing to read "Hass Shafia".

Hass Shafia, MD

C-4

JOHN R. GORDNER, MEMBER
 MAIN CAPITOL BUILDING
 HOUSE POST OFFICE BOX 202020
 HARRISBURG, PENNSYLVANIA 17120-2020
 PHONE: (717) 783-1102
 FAX: (717) 772-0094



904B ORANGE STREET
 BERWICK, PENNSYLVANIA 18603
 PHONE: (570) 759-8734
 FAX: (570) 759-4527

115 EAST SEVENTH STREET
 BLOOMSBURG, PENNSYLVANIA 17815
 PHONE: (570) 387-0246
 FAX: (570) 387-4288

House of Representatives
 COMMONWEALTH OF PENNSYLVANIA
 HARRISBURG

March 27, 2002

COMMITTEES

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 DEVELOPMENT AUTHORITY

Jeffrey A. Beard, Secretary
 PA Department of Corrections
 2520 Lisburn Road
 P.O. Box 598
 Camp Hill, PA 17001-0598

Dear Secretary Beard:

I am requesting your consideration of the transfer of a state prisoner due to the physical hardship of his elderly parents who reside in my legislative district in Columbia County.

James Pavlichko is currently incarcerated at SCI Graterford, Montgomery County and it has become extremely difficult for his parents, Michael and Mary, to travel the distance to visit him.

I am forwarding a copy of his father's letter, along with a statement from his physician explaining Mr. Pavlichko's physical limitations. Mr. Pavlichko is requesting that his son be transferred to either SCI Dallas, SCI Retreat or SCI Waymart, to enable them to visit him more often.

I respectfully request your consideration to transfer James Pavlichko to a facility closer to Columbia County.

Very truly yours,

A handwritten signature in black ink, appearing to read "John R. Gordner".

JOHN R. GORDNER

JRG/emr
 Enclosures

C-5

COMMITTEES

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JUDICIARY



**27TH DISTRICT
EDWARD W. HELFRICK**

**SENATE BOX 203027
173 MAIN CAPITOL BUILDING
HARRISBURG, PA 17120-3027
(717) 787-8928
FAX: (717) 787-9715**

**101 WEST STATE ROUTE 61
MT. CARMEL, PA 17851-2539
(570) 339-5937
FAX: (570) 275-7400**

**702 SAWMILL ROAD
SUITE 103
BLOOMSBURG, PA 17815
(570) 784-3464**

**SHAMOKIN DAM BOROUGH BUILDING
144 WEST 8TH AVENUE
P.O. BOX 456
SHAMOKIN DAM, PA 17876
(570) 743-1918**

Senate of Pennsylvania

March 27, 2002

Dr. Jeffrey Beard, Secretary
PA Department of Corrections
P.O. Box 598, 250 Lisburn Road
Camp Hill, Pa. 17001-0598

**Re: James Pavlichko
DK 0199**

Dear Dr. Beard:

I am writing on behalf of the above individual's parents, Mr. and Mrs. Michael Pavlichko. They are seeking to have their son transferred from Graterford SCI to a facility closer to their home – SCI, Dallas, SCI, Retreat or SCI, Waymart. It is extremely difficult for the parents to make a round trip drive to have the opportunity to visit with their son. Mr. Pavlichko is under doctor's care for multitude physical aliments, most incapacitating of which is coronary heart disease with bypass surgery, hypertension, and advanced peripheral vascular disease. I have enclosed a letter from Dr. Hass Shafia which addresses Mr. Pavlichko's condition.

Thank you for your time and consideration of Mr. & Mrs. Pavlichko's request.

Sincerely,

**EDWARD W. HELFRICK
State Senator**

EWH:mk
Enclosure
cc: M. Pavlichko ✓

C-6

PAUL E. KANJORSKI
11TH DISTRICT, PENNSYLVANIA

COMMITTEE ON FINANCIAL
SERVICES

RANKING MEMBER:
SUBCOMMITTEE ON CAPITAL MARKETS, INSURANCE,
AND GOVERNMENT SPONSORED ENTERPRISES

COMMITTEE ON GOVERNMENT REFORM

DEMOCRATIC WHIP-AT-LARGE



WASHINGTON OFFICE:
2353 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3811
(202) 225-6511

Website: <http://www.house.gov/kanjorski>
E-mail: paul.kanjorski@mail.house.gov

Congress of the United States
Washington, DC 20515-3811

March 28, 2002

Mr. Michael Pavlichko, Jr.
565 Paperdale Road
Stillwater, Pennsylvania 17878

DISTRICT OFFICES:
THE STEGMAYER BUILDING
7 NORTH WILKES-BARRE BOULEVARD
SUITE 400 M
WILKES-BARRE, PA 18702-5283
(570) 825-2200

KULPMONT MUNICIPAL BUILDING
860 SPRUCE STREET
KULPMONT, PA 17834-1346
(570) 373-1541

TOLL FREE HELP-LINE
(800) 222-2346

Dear Mr. Pavlichko:

Thank you for contacting my office regarding your request for assistance.

I certainly want to help you in any way possible and assigned your case, #968005, to my staff assistant Liz Gobla. We will work hard to ensure a quick resolution to your case. In the meantime, if you have any questions or feel I may be of further assistance to you, please do not hesitate to contact Ms. Gobla or me at 1-800-222-2346 or 1-570-825-2200.

Sincerely,

A handwritten signature in black ink that reads "Paul E. Kanjorski".

Paul E. Kanjorski
Member of Congress

PEK/jmd

C-7

DC-46 (Rev. 12/01)
SCI-GRATERFORDCOMMONWEALTH OF PENNSYLVANIA
Department of Corrections

VOTE SHEET

DC# <u>OK0199</u>	NAME <u>Pavlichko, James</u>		CUSTODY LEVEL & CODE(S) <u>3420</u>	DATE <u>08/27/02</u>
MINIMUM <u>Life</u>	MAXIMUM <u>Life</u>	DETAINER(S) <u>09/11/06 Luzerne Co. V.O.P./Retail Theft,</u> <u>08/28/97 Schuylkill Co. 15y to 40y Co. Consp. C.S.</u>	ESCAPE(S) - <u>N/A</u>	
PACT DATE		PURPOSE <u>Promotional Transfer/Hardship (Mahanoy)</u>		

	YES	NO	COMMENTS
			- Does NOT meet the criteria as outlined in 11.2.1-5, however would benefit to be closer to his 6 children and Ailing father
			- would be move of a father to his children if closer
			Does NOT meet 11.2.1-5 Policy (See memo from Secretary Beers dated 4-20-02)
			1 year misconduct free will occur in Oct. 2002. Program involvement is lacking. Adjustment mediocre at best. Call it a hardship transfer

STAFF RECOMMENDATIONS: The Unit Team has reviewed Mr Pavlichko's case and is split in their decision on a promotional transfer. At this time, the majority are in favor due to Mr Pavlichko benefiting from being closer to his 6 children & father who is Ailing. The minority does not recommend based on Secretary Beers' memo dated 4-2-02 in which he must meet the criteria as outlined in Policy 11.2.1.-5.	
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COMMENTS: Does not meet criteria and does not warrant consideration given lack of programming and mediocre adjustment	Deputy Superintendent for Centralized Services	Comments: Consider for hardships; based on documentation. <i>D. H. F. G.</i>	Deputy Superintendent for Facilities Management
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

COMMENTS:

FINAL APPROVAL DATE: <u>9-23-02</u> Superintendent or Unit Manager <i>D. H. F. G.</i>	<input checked="" type="checkbox"/>	APPROVED	<input type="checkbox"/>	DISAPPROVED
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Exhibit D

Counselor Evaluation: Mr. Pavlichko, age 33 is serving a life sentence for Murder I, is now requesting a promotional transfer to another institution in the Eastern area.

Mr. Pavlichko, has not been involved with programs. He was released by mutual agreement from employment in plumbing maintenance in May of 2000. Since this time he has been employed in the Main kitchen area. His last conduct infraction occurred in October of 2001 for "possession of contr. 182 O.C.) and the most serious in Sept. of 99 for Fighting (308 O.C.)

Mr. Pavlichko, is requesting a promotional/hard ship

A.M. HOUSING REPORT:
P.M. HOUSING REPORT:

PRESCRIPTIVE PLAN:

JOB TITLE:
WORK EVAL:

ACTIVE/COMPLETED PROGRAMS:

D-2